

8/13/01

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**ABINGDON CALENDAR - AUGUST 15, 2001**

**(The Honorable William F. Stone Jr. Presiding)**

(Start \_\_\_\_\_ Recess \_\_\_\_\_ / \_\_\_\_\_ Stop \_\_\_\_\_ Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

**Attys:**

**Debtors:**

**Case Nos.:**

**Trustees:**

**9:30 A. M. - PRE-TRIALS IN COURTROOM**

Farthing	KEVIN LITTREAL-ch7 A/P 7-01-00063: Det. Dischargeability; contd fr 7/10 Chase Manhattan Bank, USA,NA (Hutton) v. debtor	7-01-00624	Callahan/NS
Lamie/ Gifford*	HERBIE & SHARON NOEL-ch7 A/P 7-00-00144: Final pre-trial conference W. Alan Smith Jr., Trustee (Breimann*) v. debtors * & Christine Fuller <b><u>*may attend by tel.conf if so desires</u></b>	7-98-00408	JM
Timoney	TAMMY MCGRADY-ch13 A/P 7-01-00071: Det. Validity priority or extent of lien or other interest in property Debtor v. Citifinancial Mortgage Co Inc ( ); Gleaves and Kaase Trustee( ) And Michael A. Inman, Trustee ( )	7-00-03607	Widener
 Mod Plan filed 3/19 d/e # 22, 23 contd fr 5/22 for filing of pleadings ref 2 <sup>nd</sup> d/t <b><u>-contd from 7/24 by announcement to hear with AP; trustee excused from appearance IF can recommend confirmation after lien avoided</u></b>			
Lamie	JAMES WIKLE-ch7 - reopened 5/16/01 A/P 7-01-00073: Obtain declaratory judgment James R. Wikle (Lamie) v. Anna Lee Wikle Simms and Ruby Wikle O'Farrell, Administratrix <b><u>(Barry Bruce 1-800-745-4281 OR 304-645-4182)</u></b>	7-88-00002	Wick

**-to be heard by telephone conference at end of 9:30 calendar**



**9:30 A. M. - PRE-TRIALS IN COURTROOM**

Money	DARREL MCCREADY - Ch. 7 A/P No. 7-01-00076: Obtain approval for sale William E. Callahan, Jr., Trustee v. Debtor <b><u>–Resolved by agreed order entered 6/20</u></b>	7-00-02121	Callahan JM
Largen	RAYMOND & LINDA SHAFFNER- <u>ch7</u> A/P 7-01-00079: Determine validity, priority of extent of lien or other interest in property Debtors v. Beneficial Mortgage Co of Va. ( ) and Wm. Callahan Jr., Trustee	7-01-01042	S
Montgomery	ROBERT ANDERSON-ch7 A/P 7-01-00080: revoke or object to discharge Robert E. Wick, Ch 7 Trustee (Wick) v Robert Anderson, debtor	7-01-00030	Wick/JM
Lamie	KAREN CRISP-chj7 A/P 7-01-00083: Det. Dischargeability Debtor v. Appalachian School of Law	7-01-02797	Wick/NS
Delafield*	JOYCE REAVIS-ch7 A/P 7-01-00082: Det. Dischargeability Debtor v. US Dept of Education and Bill Callahan, Trustee *signed the complaint / U.S.Atty's office not served; attempting to contact atty to schedule telephone conf, if possible, with Judge prior to 8/15 ptc or for issuance of new summons  <b><i>–to be heard by telephone conference at 1:30 p.m. on Mon., 8/13</i></b>	7-01-00906	Callahan/S



**9:30 A. M. - PRE-TRIALS IN COURTROOM**

Money	MICHAEL & ALLISON PATRICK - Ch. 7	7-01-02659	Wick/MC
	Motion # 1: Relief		
	Chrysler Financial Co., LLC (Higgs) v. Debtors & Trustee – d/e # 12		
	<b>–DEFAULT order entered 8/9/01; hearing cancelled</b>		
Fast	TIMOTHY & KELLY AMBURGEY - Ch. 7	7-01-01999	Callahan/S
	Motion # 2: Relief		
	Bank One/Valley National Financial Services (Neyhart) v. Debtors & Trustee		
	<b>–ORDER vacating stay entered 8/7/01</b>		
Jackson,T	TERRY & LILLIAN BOTTOMLEY-ch7	7-01-01948	Callahan/AF
	Motion #1: relief - filed 7/26; d/e # 15, 16		
	HomeQ Servicing Corp (Neyhart) v. debtors & trustee		
Geo.Cooley	JOSEPH & SHIRLEY CARROLL-ch13	7-01-03414	Widener/VS
	Motion #1: Relief - filed 8/9 & heard on 8/9 on mot for ex-parte ord (denied)		
	Charles M. Persson (pro se) and Marcella Persson (pro se) v. Debtors (Cooley) & trustee		

**10:00 A.M. - MISCELLANEOUS HEARINGS**

Lamie	WALTER LANE - Ch. 7	7-01-02633	Callahan/PR
	Motion #1: Avoid lien		
	Debtor v. Beneficial Discount Co. Of Va. ( ) – d/e #10		
Largen	JEFFREY & B.B.MARIE MARSHALL - Ch. 7	7-01-01136	/JJ
	Motion #1: Avoid lien		
	Debtors v. Citifinancial Services, Inc. ( ) – d/e # 12		



**10:00 A.M. - MISCELLANEOUS HEARINGS**

Farthing	TIMOTHY & CHEYENNE COMPTON - Ch. 7	7-01-02277	Wick/NS
	Motion # 1: Avoid lien		
	Debtors v. Beneficial Finance ( ) – d/e/ # 11		
Largen	JAMES & MARY TURPIN - Ch. 7	7-01-01194	Wick/SJ
	Debtors' Motion to Redeem tangible personal property and Motion for		
	ation of security w/Grand Home Furnishings & Trustee – d/e # 13		
Lamie	MARY THOMAS-ch7	7-01-02801	Wick/VS
	Motion #1: Avoid lien - filed 7/11; d/e # 10, 11		
	Debtor v. Beneficial Discount Co of Va		
	–proposed order in file		
Carmody	PAMELA MONK - Ch. 13	7-01-00703	Widener/PR
	Motion # 1: Relief		
	Liberty Savings Bank (Sasser) v. Debtor & Trustee – d/e # 31		
	<u>–Debtor filed response 8/10, d/e # 36</u>		
Cody	WILLIAM & TERESA JOHNSON-ch7	7-01-02547	Callahan/NS
	Motion #1: Relief - filed 7/20; d/e # 10, 11		
	Peoples Bank Inc (Hutton) v. debtors & trustee		
	<b>Objection:</b> Trustee (Callahan) filed 7/30; d/e # 14		
	<b>–AGREED ORDER entered 8/13/01</b>		



**10:00 A.M. - MISCELLANEOUS HEARINGS**

Fleenor	DONALD BARRETT - Ch. 7 Motion # 1: Relief Highlands Union Bank (Hutton) v. Debtor and Trustee – d/e # 35 <b>–ORDER of 8/3 granted relief (consent)</b>	7-01-01093	Callahan/PR
Largen	BETTY SNEAD - Ch. 7 Motion # 1: Relief Suntrust Bank, Assignee of Sherwood Chevrolet, Inc. (Chappell) v. Debtor & Trustee <b>–ORDER of 8/2/01 granted relief (consent)</b>	7-01-02430	Wick/PR
Harmon, D	LUTHER & ANGELA VANCE-ch7 Motion #1: Relief - filed 7/23; d/e # 10, 11 Amsouth Bank (Hutton) v. debtors & trustee	7-01-02252	Wick/SJ
Carmody	BRENDA CARLAN-ch7 Motion #1: Relief - filed 7/19; amended notice filed 7/25; d/e 10, 11, 12, 13 First Horizon Hme oan Corp fka FT Mortgage Companies (S Wood) v. debtor & trustee	7-01-02399	Wick/S
Moffatt/ Fleenor	VERNON & MELISSA LOVE-ch7 <i>Fees Paid , case reopened 6/1/01; and File Recd from Archives 6/12/01</i> <u>Motion # 1: Avoid lien</u> ; contd from 6/20 ; contd further from 7/10 Debtors v. Highlands Union Bank (Hutton) CONTD From 7/24	7-96-04295	Wick/MC
Gifford	JAMES & STACIE SANDEFUR-ch7 Motion #1: Relief - filed 7/30; d/e # 10; no pho entd.; under 20-day notice Highlands Union Bank (Hutton) v. debtors & trustee  <b>–AGREED order ENTERED 8/13 granted relief</b>	7-01-02280	Wick/AF



**11:00 A.M. - MISCELLANEOUS HEARINGS**

Largen	GEORGE & TERI SAUM -ch7 Motion to Reopen filed 8/3 ORDER on Motion entered 8/3 <b>subject to pmt of \$155 filing fee &amp; \$35.00 retrieval fee</b> <b><u>Filing fee \$155 &amp; \$35 paid 8/13</u></b>	7-96-00583	Money/CLOSED/PR
Via	SHIRLEY CARTER-ch7 Trustee Objection to Claim of Exemptions filed 7/12; d/e # 12  <b><u>–Agreed order circulating - Callahan to tender /</u></b>	7-01-01976	Callahan/JJ
Largen	TINA ADDAIR - Ch. 7 Trustee’s Motion to Dismiss Case for failure to appear at 341 meetings – d/e # 11  <b><u>–Trustee will tender agreed order <b>order entered 8/13</b></u></b>	7-01-01917	Callahan/NS
Gifford	HARVEY LESTER-ch7 Motion #1: Relief - filed 7/16; d/e # 12, 13 Bank of Tazewell County (Harman) v. debtor & trustee <b>–Order of 7/26 granted relief, cancels hearing (consent)</b>	7-01-02130	Wick/PR
Adkins	MICHAEL & SHANNON BROOKS - Ch. 7 Motion # 1: Relief Wells Fargo Home Mortgage, Inc. (Sasser) v. Michael Brooks & Trustee	7-01-02525	Callahan/MC
Gifford	RUSSELL & DONNA WALLS-ch7 Motion #1: Relief - filed 7/18; d/e # 26, 27 Ford Motor Credit co (Laura Hale) v. debtors & trustee	7-01-00967	Callahan/NS
Largen	JESSE & DARLENE REEVES-ch13 Motion #1: Relief - filed 7/17; d/e # 22, 23 Cenlar (McQuiddy) v. debtors & trustee <b><u>Response of debtors (Largen) filed 7/20; d/e # 24</u></b>	7-02-00051	Widener/ VS



**11:00 A.M. - MISCELLANEOUS HEARINGS**

Copeland/ Leonard	JIMMY COOPER - Ch. 11 Motion # 4: Relief First Century Bank, NA. (Black) v. Debtor – d/e # 122 <u>Debtor response filed 8/6; d/e # 124</u>	7-99-03591	DIP/VS_____
 <b>–ORDER entered 8/13 continuing to 8/28 @ 11:00</b>			

**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Copeland	RODNEY & LYNN HAMM-ch13 Plan filed 5/7; d/e #6 <b>–CONTINUED BY MOTION/ORD to 8/28 @1:00</b>	7-01-02028	Widener/AF
Hutchinson	DEBORAH COEBURN-ch13 Plan filed 5/1; d/e #6	7-01-01937	Widener/NS
Largen	WILLIAM & SHERRY HEWARD-ch13 Plan filed 5/7; d/e # 6	7-01-02026	Widener/JJ
Copeland	DAVID & AMELIA RUTHERFORD-ch13 Mod Plan filed 6/7/01; d/e # 12 ; ntc d/e # 8 2 <sup>nd</sup> Amended Plan filed 6/27; d/e # 14 <b>–CONTINUED by order of 8/7 to 8/28/01 @</b>	7-01-02194	Widener/S
Gifford	ROY & SHELIA HILL-ch13 Mod Plan filed 7/3; d/e # 129, 131	7-96-00888	Widener/AF

Motion of Trustee to dismiss/convert contd by 6/5 order to hear w/mod plan d/e # 127



## 1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Hutchinson	TERESA MCCREADY-chl3	7-00-00393	Widener/PR
	Mod plan filed 5/25; d/e # 21, 22; contd from 7/10		
	<b>Objection:</b> Trustee with Motion to showcause/dismiss or convert; filed 6/6; d/e # 24		

Motion of Trustee to convert/dismiss filed 3/29; d/e # 17, contd from 5/8 d/e # 18 to hear w/mod plan ; contd fr 7/10

D. Harmon      VIVIAN FLANERY - Ch. 13      7-01-01456      Widener/JJ  
**MOD PLAN FILED 8/8 scheduled for conf on 9/25 @ 1:00 d/e # 26, 27**  
  
**Objection:** Trustee w/showcause on dismissal or conversion, d/e # 16 ; contd fr 7/10  
Highlands Union Bank (Hutton) d/e # 18; contd fr 7/10

Copeland	RONNIE EDWARDS-ch13	7-00-00392	Widener/SJ
	Mod Plan filed 6/25; d/e # 62, 63 ; Mot to continue filed 8/6 , d/e # 66 **		
	–certif of service filed 6/29		
	<b>Objection:</b> Trustee w/motion to dismiss or convert, d/e # 68 filed 8/7		
	<b>**ORDER OF 8/7 CONTINUED hearing on conf to 8/28 @ 1:00 d/e # 69</b>		

Money	BETTY HARRIS-chl3	7-00-02120	Widener/SJ
	Mod Plan filed 6/28; d/e # 43, 44		
	Motion of Trustee to showcase : convert/dismiss; filed 5/3`; d/e #42 -contd fr 7/24; to hear w/mod plan		

Hutchinson	JAMES & SONJA BEDWELL-chl3	7-01-00872	Widener/SJ
	Mod Plan filed 6/11; d/e # 19, 20 & c/s #21		
	<i>Note: trustee report, obj &amp; motion dismiss/convert was filed 5/8 resolved at 6/5 h rg &amp; 6/7 ord</i>		



**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Proctor	EUGENE & STELLA YATES Plan filed 4/23; d/e # 6 <u>Trustee report, obj &amp; motion dismiss/convert filed 6/22 <b>resolved</b> @ 7/24 hrg &amp; 7/26 ord.</u>	7-01-01820	Widener/SJ\
Hutchinson	MARVIN & LINDA MILLER-ch13 Mod Plan filed 6/8; d/e # 51, 52	7-98-04900	Widener/SO
Copeland	MARK & LISA NEWMAN - Ch. 13 <b>*NOTE: 2<sup>nd</sup> Mod Plan filed 7/13; noticed for 8/28 @ 1:00</b>  <u>*Note: trustee report, obj &amp; motion dismiss/convert was filed 6/22 and set 7/24 @ 1</u>  <b>*ORDER of 8/1 continued confirmation and trustee showcause to 9/12 @ 1</b>	7-01-02121	Widener/VS
Hutchinson	HENRY & TERESA MULLINS - Ch. 13 Mod. Plan filed 6/19 w/cert. of service – d/e ## 22, 23	7-01-00669	Widener/JJ
Hutchinson	BOBBY & RHONDA TOMPA-ch13 Plan Trustee Report, OBJECTION and Motion to dismiss/convert filed 6/22; d/e # 14 <b>Objection:</b> USA/Rural Housing Services/U.S.Dept of Agriculture (Eckertg) filed 7/2, #15	7-01-02030	Widener/PR



**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Gifford	GRETA SOUBLO-chl3	7-01-01875	Widener/MC
	Mod Plan filed 7/2; d/e # 17; with certif. Of service		

Hutchinson	TOM & AMANDA HOLFIELD-chl3	7-01-02047	Widener/
	Plan filed 5/8; d/e # 6		
	Trustee report Objection and Showcause; dismiss/convert filed 6/22; d/e # 16		

**–DEBTOR’S MOTION TO DISMISS CASE FILED 8/10**

Carmody	REX & GOLDIE SPARKS - Ch. 13	7-97-03001	Widener/VS
	Mod. Plan filed 6/20 – d/e ## 38, 39		
	Trustee’s Motion to Dismiss Case or Convert to Ch. 7 cont’d from 5/22 – d/e # 36		
	Trustee’s Motion to Dismiss Case or Convert to Ch. 7 filed 6/21 – d/e # 40		

Carmody	DOUGLAS VANDYKE=chl3	7-01-01038	Widener/AF
	Contd from 6/5 for mod plan to be filed & noticed for this date		
	<b>Objection(<i>toprior plan</i>):</b> IRS (Eckert) d/e # 22 filed 5/25		
	Trustee Motion to dismiss/convert d/e # 14, filed 4/30; contd fr 5/22 & 6/5		

**CASE DISMISSED 7/11/01 ON DEBTOR’S MOTION**

Timoney	JAMES & CHERYL LOGAN-chl3`	7-97-04499	Widener/S
	Mod Plan /Mot to Mod Plan filed 6/20; d/e # 36		

Motion of Trustee to Dismiss/Convert, filed 5/2, d/e # 34 contd from 6/20  
Renewed Motion of Trustee filed 7/30; d/e # 39



### 1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Lamie SAMUEL & MARY TRENT 7-97-02085 Widener/MC

Mod plan filed 3/26; d/e # 47, 48, 49; contd fr 5/8 to explore re-financing

**Objection:** Trustee w/notice of showcause: dismiss or convert; d/e # 51

**Objection:** Trustee w/notice of showcause: dismiss or convert; d/e # 62  
–contd fr 7/10

MOTION of trustee to REVALUE property and increase payments filed 7/23, d/e # 68

Motion #2: Relief - d/e # 37, 38 - filed 3/1; cond fr 7/10

Fairbanks Capital Corp (Bierman) v. debtors & trustee

Response of debtor filed 3/12; d/e # 42, contd fr 3/21 to be heard w/mod plan

**1:00 P. M. - MISCELLANEOUS HEARINGS**

Copeland	JAMES & SARAH BLANKENBECKLER-chl3	7-98-00816	Widener/JJ
	Motion of Debtors to require turnover of title of '91 Pontiac Auto - contd from 7/24 for service upon bank under Rule 7004(h) and 9014 ; amended ntc 8/1; d/e # 73; c/s #74 <u>(Note: Copeland on vacation but will have counsel cover case on 8/15)</u>		

Timoney	BRENDA FLEENOR-chl3	7-00-00906	Widener/JJ
	Motion of Trustee to Dismiss/Convert, filed 5/2, d/e # 25 contd fr 6/20		
	–contd from 7/24 - if filing & conversion fees unpaid by hrg, case will be dismissed		
	– <b>ORDER of 8/3 contd trustee's showcase w/stipulation to 8/15 @ 1:00 , d/e # 37</b>		

Lamie JAMIE KEETER & CONNIE WEAVER-chl3 7-99-01549 Widener/S  
Motion of Trustee to showcause : convert/dismiss; filed 6/14`; d/e #49  
contd from 7/24 to be heard prior to hearing on mod plan (9 pmts arrears; 4 deduct ords)  
  
***Note: mod plan filed 7/25 set for 9/12 @1***

Proctor JAMES & LINDA PADGETT-chl3 7-01-02733 Widener/PR  
Trustee's Report, Objection & Motion to Dismiss filed 7/23; d/e # 15  
*-note: confirmation is set 9/12 @ 1:00*



**1:00 P. M. - MISCELLANEOUS HEARINGS**

Gifford	CHARLES & BETTY HALL - Ch. 13 Trustee's Motion to Dismiss or Convert Case – d/e #40	7-99-03036	Widener/JJ
Wolfe	JAMES & CONNIE ALLEY - Ch. 13 Trustee's Motion to Dismiss/Convert to Ch. 7 – d/e # 31	7-98-01554	Widener/MC
Carmody	JEREMIAH BALDWIN - Ch. 7 Trustee's Motion to Dismiss Case – d/e # 16 <b>–ORDER entered 8/13 withdrawing trustee's motion</b>	7-01-02021	Callahan/VS
Via	PETER & TERRIE PRYOR Motion #1: Relief - filed 5/30; d/e # 45 – contd fr 6/20 Dovenmuehle Mortgage Inc (Patterson) v. debtors & trustee ANSWER filed by Debtors 6/5, d/e # 48; contd fr 7/24 for checks to clear bank	7-00-03624	Widener/SJ
Gifford	JOHN & DOROTHY YODER-ch13 Objection (of Debter) to Claim #23, Va. Dept of Taxation, d/e # 38, 39, 40 <b>–ORDER of 8/8 withdrew obj to claim</b>	7-01-00399	Widener/S



**1:00 P. M. - MISCELLANEOUS HEARINGS**

Hutchinson	JOHN & RHONDA NUNLEY	7-01-01382	Widener/SJ
	Motion for eation: First Va. Bank \$14,000 1998 Cavalier, filed 6/21; d/e # 28		
	<u>–NOTE: Mot. To convert to Chapter 7 filed 7/19 &amp; f.f.pd.</u>		
Copeland	BILL GREEVER, SR. - Ch. 13	7-98-00088	Widener/AF
	Trustee's Motion to Dismiss or Convert Case to Ch. 7 – d/e # 217		
	<b>–Order of 7/19; d/e # 221, continued Trustee Motion to 8/28 @ 1:00 (agreed order)</b>		
Largen	CLINTON & CATHY TESTERMAN-chl3	7-99-01031	Widener/VS
	Motion of Debtors to approve sale of estate and MOTION to SHORTEN time d/e # 46 (Filed 8/3)		
Carmody	IVEY REED-chl3	7-00-03959	Widener/MC
	Motion #1: Relief - filed 7/30/01; d/e # 28, 29		
	Option One Mortgage (J Clarke) v. debtor		
	<u>–Debtor filed response 8/10; d/e # 31</u>		

**3:00 P. M. - TRIAL**

White	W & L LEASING & ENGINEERING CORP-chll	7-99-03015	DIP/
	A/P 7-01-00050: Recover money or property/judgment in detinue		
	Associates Commercial Corp (Fleischhauer) v. debtor		
	<i>–TRIAL: allow approx 1 to 2 hours</i>		

*(NOTE: telephone pre-trial conf set 8/13 @ 2:00; mot compel discovery also set)*